

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
OSMAN COUEY,

Plaintiff,

vs.

**ANSWER**

Docket No: 16CV7157

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF EDUCATION CHANCELLOR,  
CARMEN FARINA, in her individual and official capacity;  
NEW YORK CITY BOARD OF EDUCATION, MAYOR  
BILL DE BLASIO, in his individual and official capacity AS  
MAYOR OF THE CITY OF NEW YORK, NATIONAL  
ACTION NETWORK, REVEREND AL SHARPTON,  
STEVEN CASTIGLIA, in his individual and official  
capacity; their individual capacities; COMPTROLLER OF  
THE CITY OF NEW YORK CHANTEL PHINAZEE,

Defendants.  
-----X

The Defendant, **CHANTEL PHINAZEE**, upon information and belief, answers the  
Plaintiff's Complaint herein as follows:

1. Denies knowledge or information sufficient to form a belief with respect the truth of the allegations set forth in paragraphs 1-8, 13, 16-21, 25-32.
2. Denies paragraph 9, 11-12, 14, 15, 24.
3. As to paragraph "10" Defendant repeats responses to allegations mentioned in paragraph 1-9.
4. To the extent paragraph 22 contains any allegation against Defendant CHANTEL PHINAZEE such allegation is denied.
5. As to paragraph "23" Defendant repeats responses to paragraphs 1-22.
6. To the extent that paragraph "33" contains any allegation against the Defendant CHANTEL PHINAZEE such allegation is denied.
7. As to paragraph "34" Defendant repeats responses to allegations mentioned in paragraphs 1-9.

8. To the extent that paragraph "35 contains any allegation against the Defendant CHANTEL PHINAZEE such allegation is denied.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

Plaintiff failed to effect proper service of the Summons and Complaint upon defendant, and therefore lacks personal jurisdiction over defendant.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

Plaintiff has failed to state a claim upon which relief can be granted. Plaintiff's complaint and each cause of action therein fails to state fact sufficient to constitute a cause of action against defendant for which relief can be granted.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

Any statements made by Defendant regarding Plaintiff's conduct on December 23, 2015 were true.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

Defendant reserves the right to add or amend any answer, defense, or counterclaim in the future.

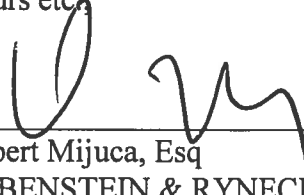
**AS AND FOR A COUNTERCLAIM AGAINST PLAINTIFF**

**OSMAN S. COUEY**

The Plaintiff's complaint is frivolous, as it is utterly devoid of merit and is undertaken primarily for the purposes of harassing the Defendant. As a result of Plaintiff's frivolous complaint, Defendant has been forced to expend money for attorney's fees and costs in defending the action. Defendant seeks damages against the Plaintiff for attorney's fees, and cost; and further seeks sanctions for bringing a lawsuit in bad faith.

Dated: Brooklyn, New York  
October 6, 2016

Yours etc.



Robert Mijuca, Esq  
RUBENSTEIN & RYNECKI, ESQS.  
Attorneys for Defendant  
CHANTEL PHINAZEE  
16 Court Street, Suite 1717  
Brooklyn, New York 11201  
(718) 522-1020

TO:

Osman S. Couey  
206 West 148<sup>th</sup> Street, Apt 6F  
New York, NY 10039

Corporation Counsel of the City of New York  
Attorney of Record for all City of New York Defendants  
100 Church Street, Room 3-249  
New York, NY 10007  
(212) 788-0646

National Action Network  
106 W. 145<sup>th</sup> Street  
New York, NY 10039

The Revered Al Sharpton  
c/o National Action Network  
106 W. 145<sup>th</sup> Street  
New York, NY 10039

### ATTORNEY'S VERIFICATION

**ROBERT MIJUCA**, an attorney duly admitted to practice before the courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at **RUBENSTEIN & RYNECKI**, attorneys of record for Defendant, **CHANTEL PHINAZEE**, in the action within. I have read the annexed **ANSWER** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

This verification is made by me because Plaintiff is not presently in the county wherein I maintain my offices.

DATED:    Brooklyn, NY  
             October 6, 2016

  
\_\_\_\_\_  
ROBERT MIJUCA, ESQ.

**AFFIDAVIT OF SERVICE**

STATE OF NEW YORK, COUNTY OF NEW YORK ss:

Catina Imes being duly sworn, deposes and says:

I am over 18 years of age, I am not a party to the action, and I reside in County of Queens in the State of New York.

I served a true copy of the Annexed

ANSWER

On October 7, 2016

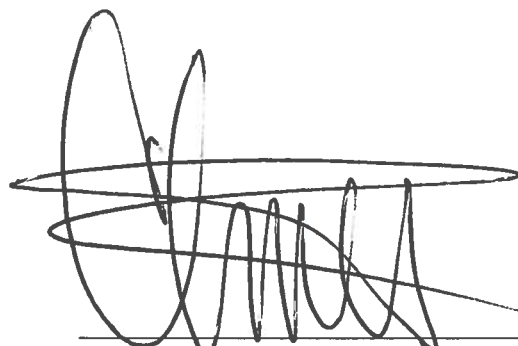
By mailing the same in a sealed envelope, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the last known address of the addressee as indicated below:

Osman S. Couey  
206 West 148<sup>th</sup> Street, Apt 6F  
New York, NY 10039

Corporation Counsel of the City of New York  
Attorney of Record for all City of New York Defendants  
100 Church Street, Room 3-249  
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c/o National Action Network  
106 W. 145<sup>th</sup> Street  
New York, NY 10039



Catina Imes

Sworn to before me October 7, 2016

  
NOTARY PUBLIC

**MAGDA MARIN-COLON**  
Notary Public, State of New York  
No. 01MA6158891  
Qualified in Richmond County  
Commission Expires 1-16-2019

PLEASE take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on

Dated,

Yours, etc.

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address*  
16 COURT ST.  
BROOKLYN, N.Y. 11241

To

Attorney(s) for

NOTICE OF SETTLEMENT

PLEASE take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on

M.

Dated,

Yours, etc.

**RUBENSTEIN & RYNECKI ESQS.**

*Attorneys for*

*Office and Post Office Address*  
16 COURT ST.  
BROOKLYN, N.Y. 11241

To

Attorney(s) for

16 CV 7157 Year  
Index No.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OSMAN COUEY,

Plaintiff,

vs.

THE CITY OF NEW YORK, NEW YORK CITY DEPARTMENT OF EDUCATION, CHANCELLOR, CARMEN FARINA, in her individual and official capacity as Mayor of the City of New York, MAYOR BILL DE BLASIO, in his individual and official capacity as Mayor of the City of New York, NA ACTION NETWORK, REVEREND AL SHARPTON, STEVEN CASTIGLIA, individual and official capacity; their individual capacities; COMPTROLLER OF THE CITY OF NEW YORK CHANTREL PHINAZEE,

Defendants.

Signature (Rule 130-11-a)  
ANSWER

Print name beneath

**RUBENSTEIN & RYNECKI ESQS.**  
**Defendant-PHINAZEE**  
*Attorneys for*

*Office and Post Office Address, Telephone*  
16 COURT ST.  
BROOKLYN, N.Y. 11241  
(718) 522-1020

To

Attorney(s) for

Service of a copy of the within is hereby admitted.  
Dated

Attorney(s) for